

# EXHIBIT A

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

AUTHORS GUILD, et al.

Plaintiffs,

v.

OPEN AI INC., et al.,

Defendants.

**ECF CASE**

No. 1:23cv-08292-SHS-OTW

No. 1:23-cv-10211-SHS-OTW

JONATHAN ALTER, et al.

Plaintiffs,

v.

OPEN AI INC., et al.,

Defendants

**DEFENDANT MICROSOFT  
CORPORATION'S FIRST  
SUPPLEMENTAL RESPONSES AND  
OBJECTIONS TO PLAINTIFFS'  
SECOND SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS**

**DEFENDANT MICROSOFT CORPORATION'S FIRST SUPPLEMENTAL RESPONSES  
AND OBJECTIONS TO PLAINTIFFS' SECOND SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS**

Pursuant to Federal Rules of Civil Procedure 26 and 34, Defendant Microsoft Corporation (“Microsoft”) responds to Plaintiffs’ Second Set of Requests for Production of Documents (“Requests”) as follows:

**GENERAL OBJECTIONS**

Microsoft’s responses are subject to the following objections to the “Definitions” and “Instructions” provided with the Requests, each of which is hereby incorporated by reference into Microsoft’s responses below. If Microsoft objects to a definition of a term and that term is used in

in that this phrase is undefined. Microsoft further objects to this Request as irrelevant and/or vague, ambiguous, overly broad, and not proportional to the needs of the case because it requests information concerning all LLMs utilized in Microsoft products, regardless of whether they have been identified in the Consolidated Complaint and/or bear any relation to the LLMs at issue in these Actions. Microsoft further objects to this Request as irrelevant and/or vague, ambiguous, overly broad, and not proportional to the needs of the case because it seeks information related to Microsoft products that bear no relationship to Plaintiffs' infringement allegations in the Consolidated Complaint, which focus on training of the Relevant Generative AI Models.

Microsoft responds as follows: Microsoft will not currently search for documents responsive to this Request but is willing to meet and confer regarding the scope of this Request.

**REQUEST FOR PRODUCTION NO. 62:**

**Documents** sufficient to identify **Your** gross revenues, net revenues, and profits, by month, from Your commercial products that include or use **ChatGPT** or **Large Language Models**.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 62:**

Microsoft incorporates by reference and reasserts its General Objections to Plaintiffs' "Definitions" set forth above. Microsoft further objects to this Request as irrelevant and/or vague, ambiguous, overly broad, and not proportional to the needs of the case because it requests information concerning all LLMs utilized in Microsoft products, regardless of whether they have been identified in the Consolidated Complaint and/or bear any relation to the LLMs at issue in these Actions. Microsoft also objects to this Request to the extent it seeks information on revenues, which are not relevant to the allegations in the Consolidated Complaint. Microsoft further objects to this Request as irrelevant and/or vague, ambiguous, overly broad, and not proportional to the needs of the case because it seeks information related to commercial products that bear no

relationship to Plaintiffs' infringement allegations in the Consolidated Complaint, which focus on training of the Relevant Generative AI Models.

Microsoft responds as follows: Microsoft will not currently search for documents responsive to this Request but is willing to meet and confer regarding the scope of this Request.

**FIRST SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 62 (January 13, 2025):**

Microsoft further objects to this Request as irrelevant, vague, ambiguous, overly broad, and not proportional to the needs of the case because it seeks documents and information concerning commercial products and LLMs which have not been identified in the Consolidated Complaint and bear no relation to the claims and defenses in this Action. (*See* ECF No. 293, at 3 (denying Plaintiffs' letter motion seeking discovery regarding Microsoft's LLMs) and ECF No. 293, at 5 (denying News Plaintiffs' letter motion seeking discovery regarding future products not named in the complaint)).

Subject to these objections, Microsoft further responds as follows: Microsoft will conduct a reasonable search and produce responsive, nonprivileged documents, if any, to the extent they can be located as a result of a reasonable search, sufficient to show gross revenues, net revenues, and profits, for products identified in the Consolidated Complaint and relevant to the claims and defenses in this case, to the extent the pricing for those products is specific to providing OpenAI GPT LLM capability. Microsoft reserves all rights to dispute such causal connection and to identify revenue and/or profits attributable to factors other than the alleged copyrighted works.

**REQUEST FOR PRODUCTION NO. 63:**

**Documents** sufficient to show the gross revenues, net revenues, and profits, by month, generated by each **Large Language Model You** have commercialized, sold, and/or licensed, either as a standalone product or as part of another product.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 63:**

Microsoft incorporates by reference and reasserts its General Objections to Plaintiffs’ “Definitions” set forth above. Microsoft further objects to this Request as irrelevant and/or vague, ambiguous, overly broad, and not proportional to the needs of the case because it requests information concerning all LLMs utilized in Microsoft products, regardless of whether they have been identified in the Consolidated Complaint and/or bear any relation to the LLMs at issue in these Actions. Microsoft further objects to this Request as irrelevant and/or vague, ambiguous, overly broad, and not proportional to the needs of the case because it seeks information related to commercial products that bear no relationship to Plaintiffs’ infringement allegations in the Consolidated Complaint, which focus on training of the Relevant Generative AI Models.

Microsoft responds as follows: Microsoft will not currently search for documents responsive to this Request but is willing to meet and confer regarding the scope of this Request.

**FIRST SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 63 (January 13, 2025):**

Microsoft further objects to this Request as irrelevant, vague, ambiguous, overly broad, and not proportional to the needs of the case because it is not limited to products reasonably related to the alleged infringement and seeks documents and information concerning products and LLMs which have not been identified in the Consolidated Complaint and bear no relation to the claims and defenses in this Action. (*See* ECF No. 293, at 3 (denying Plaintiffs’ letter motion seeking discovery regarding Microsoft’s LLMs) and ECF No. 293, at 5 (denying News Plaintiffs’ letter motion seeking discovery regarding future products not named in the complaint)).

Subject to these objections, Microsoft further responds as follows: Microsoft will conduct a reasonable search and produce responsive, nonprivileged documents, if any, to the extent they can be located as a result of a reasonable search, sufficient to show gross revenues, net revenues,

and profits, for products identified in the Consolidated Complaint and relevant to the claims and defenses in this case, to the extent the pricing for those products is specific to providing OpenAI GPT LLM capability. Microsoft reserves all rights to dispute any causal connection between revenue and the alleged infringement and to identify revenue and/or profits attributable to factors other than the alleged copyrighted works.

**REQUEST FOR PRODUCTION NO. 64:**

**Document sufficient to show Your** balance sheet, income statement, and cash flow statement, on a monthly basis during the relevant time period.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 64:**

Microsoft incorporates by reference and reasserts its General Objections to Plaintiffs’ “Definitions” set forth above. Microsoft further objects to this Request as irrelevant and/or vague, ambiguous, overly broad, and not proportional to the needs of the case because it requests financial information that is not tailored to and/or does not bear any relation to the allegations in the Consolidated Complaint.

Microsoft responds as follows: Microsoft will not search for and produce documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 65:**

All **Documents Concerning or Relating to** predictions, forecasts, or projections of profits, revenues or cash flows of **OpenAI** or from **Large Language Models** or products using or containing **Large Language Models**.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 65:**

Microsoft incorporates by reference and reasserts its General Objections to Plaintiffs’ “Definitions” set forth above. Microsoft also objects to this Request as overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it seeks “[a]ll Documents.”

Microsoft also objects to the Request to the extent that it seeks information related to predictions, forecasts, or projections of profits, revenues, or cash flows of OpenAI as requesting documents that are not in Microsoft's possession, custody, or control. Microsoft also objects to this Request to the extent it seeks information regarding predictions, forecasts, and projections, which are not relevant to the allegations in the Consolidated Complaint. Microsoft further objects to this Request as irrelevant and/or vague, ambiguous, overly broad, and not proportional to the needs of the case because it requests information concerning all LLMs utilized in Microsoft products, regardless of whether they have been identified in the Consolidated Complaint and/or bear any relation to the LLMs at issue in these Actions. Microsoft further objects to this Request as irrelevant and/or vague, ambiguous, overly broad, and not proportional to the needs of the case because it seeks information related to commercial products or services that bear no relationship to Plaintiffs' infringement allegations in the Consolidated Complaint, which focus on training of the Relevant Generative AI Models.

Microsoft responds as follows: Microsoft will conduct a reasonable search and produce responsive, nonprivileged documents, if any, concerning predictions, forecasts, or projections of profits, revenues, or cash flows of OpenAI and is willing to meet and confer regarding the scope of this Request.

**FIRST SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 65 (January 13, 2025):**

Microsoft further objects to this Request as irrelevant, vague, ambiguous, overly broad, and not proportional to the needs of the case because it is not limited to products reasonably related to the alleged infringement and seeks documents and information concerning products and LLMs which have not been identified in the Consolidated Complaint and bear no relation to the claims and defenses in this Action. (*See* ECF No. 293, at 3 (denying Plaintiffs' letter motion seeking

discovery regarding Microsoft's LLMs) and ECF No. 293, at 5 (denying News Plaintiffs' letter motion seeking discovery regarding future products not named in the complaint)).

Subject to these objections, Microsoft further responds as follows: Microsoft will conduct a reasonable search and produce responsive, nonprivileged documents, if any, to the extent they can be located as a result of a reasonable search, sufficient to show predictions, forecasts, or projections of profits, revenues, or cash flows for products identified in the Consolidated Complaint and relevant to the claims and defenses in this case, to the extent the pricing for those products is specific to providing OpenAI GPT LLM capability. Microsoft reserves all rights to dispute any causal connection between any revenue and the alleged infringement and to identify revenue and/or profits attributable to factors other than the alleged copyrighted works.

**REQUEST FOR PRODUCTION NO. 66:**

All presentations, memoranda, or other **Documents** provided to **Your** Board of Directors **Concerning** or **Relating to OpenAI's** development of Large Language Models.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 66:**

Microsoft incorporates by reference and reasserts its General Objections to Plaintiffs' "Definitions" set forth above. Microsoft also objects to this Request as overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it seeks "[a]ll Documents." Microsoft further objects to this Request as irrelevant and/or vague, ambiguous, overly broad, and not proportional to the needs of the case because it requests information concerning all LLMs, regardless of whether they have been identified in the Consolidated Complaint and/or bear any relation to the LLMs at issue in these Actions.

Subject to these objections, Microsoft responds as follows: Microsoft has produced documents responsive to this Request and will produce responsive, nonprivileged documents that



Dated: January 13, 2025

Respectfully submitted,

/s/ Jared B. Briant

Jared B. Briant (Admitted Pro Hac Vice)  
FAEGRE DRINKER BIDDLE & REATH LLP  
1144 Fifteenth Street, Suite 3400  
Denver, CO 80202  
Telephone: (303) 607-3500  
Facsimile: (303) 607-3600  
Email: jared.briant@faegredrinker.com

Annette L. Hurst (Admitted Pro Hac Vice)  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
The Orrick Building, 405 Howard Street  
San Francisco, CA 94105-2669  
Telephone: (415) 773-5700  
Facsimile: (415) 773-5759  
Email: ahurst@orrick.com

Sheryl Garko (Admitted Pro Hac Vice)  
Laura Najemy (Admitted Pro Hac Vice)  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
222 Berkley Street  
Boston, MA 02116  
Telephone: (617) 880-1800  
Facsimile: (617) 880-1801  
Email: sgarko@orrick.com  
lnajemy@orrick.com

Christopher Cariello  
Marc Shapiro  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
51 West 52<sup>nd</sup> Street  
New York, NY 10019  
Telephone: (212) 506-3778  
Facsimile: (212) 506-5151  
Email: ccariello@orrick.com  
mrshapiro@orrick.com

Jeffrey S. Jacobson  
FAEGRE DRINKER BIDDLE & REATH LLP  
1177 Avenue of the Americas, 41<sup>st</sup> Floor  
New York, New York 10036  
Telephone: (212) 248-3140  
Facsimile: (212) 248-3141  
Email: jeffrey.jacobson@faegredrinker.com

*Attorneys for Defendant Microsoft Corporation*

**PROOF OF SERVICE VIA ELECTRONIC MAIL**

On January 13, 2025, per the parties' agreements, I directed **DEFENDANT MICROSOFT CORPORATION'S FIRST SUPPLEMENTAL RESPONSES AND OBJECTIONS TO PLAINTIFFS' SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS** to be served via electronic mail upon:

[Alter-AI-TT@simplelists.susmangodfrey.com](mailto:Alter-AI-TT@simplelists.susmangodfrey.com)

Rachel Geman  
Anna Josefine Freymann  
LIEFF CABRASER HEIMANN &  
BERNSTEIN, LLP  
250 Hudson Street, 8th Floor  
New York, NY 10013-1413  
Telephone: 212.355.9500

Scott J. Shoulder  
CeCe M. Cole  
COWAN DEBAETS ABRAHAMS &  
SHEPPARD LLP  
60 Broad St., 30<sup>th</sup> Floor  
New York, NY 10004  
Telephone: 212.974.7474

Reilly T. Stoler  
Ian M. Bensberg  
LIEFF CABRASER HEIMANN &  
BERNSTEIN LLP  
275 Battery Street, 29<sup>th</sup> Floor  
San Francisco, CA 94111-3339  
Telephone: 415.956.1000

J. Craig Smyser  
Charlotte Lepic  
SUSMAN GODFREY L.L.P.  
One Manhattan West  
Ste. 50<sup>th</sup> Fl.  
New York, NY 10001  
Telephone: 212.336.8330

Justin A. Nelson  
Alejandra C. Salinas  
SUSMAN GODFREY L.L.P.  
1000 Louisiana Street, Suite 5100  
Houston, TX 77002  
Telephone: 713.651.9366

Rohit D. Nath  
SUSMAN GODFREY L.L.P.  
1900 Avenue of the Stars, Suite 1400  
Los Angeles, California 90067  
Telephone: 310.789.3100

Wesley Dozier  
LIEFF CABRASER HEIMANN &  
BERNSTEIN LLP  
222 2<sup>nd</sup> Avenue, Suite 1640  
Nashville, TN 37201  
Telephone: 615.313.9000

[KVPOAI@keker.com](mailto:KVPOAI@keker.com)

Robert A. Van Nest  
R. James Slaughter  
Katie L. Joyce  
Michelle S. Ybarra  
Nicholas S. Goldberg

Thomas E. Gorman  
Paven Malhotra  
Christopher S. Sun  
KEKER & VAN NEST LLP  
633 Battery Street  
San Francisco, CA 94111  
Telephone: 415.391.5400

[OpenAICopyrightLitigation.lwteam@lw.com](mailto:OpenAICopyrightLitigation.lwteam@lw.com)

Sarang Damle  
Elana N. Dawson  
LATHAM & WATKINS LLP  
555 Eleventh Street NW, Suite 1000  
Washington, DC 20004  
Telephone: 202.637.2200

Andrew Gass  
Joseph Richard Wetzel, Jr.  
LATHAM & WATKINS, LLP  
505 Montgomery Street, Suite 2000  
San Francisco, CA 94111  
Telephone: 415.391.0600

Allison Levine Stillman  
Rachel R. Blitzler  
LATHAM & WATKINS LLP  
1271 Avenue of the Americas  
New York, NY 10020  
Telephone: 212.906.1200

[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)

Joseph C. Gratz  
Vera Ranieri  
Andrew L. Perito  
Tiffany Cheung  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, CA 94105-2482  
Telephone: 415.268.7522

Allyson R. Bennett  
Rose S. Lee  
MORRISON & FOERSTER LLP  
707 Wilshire Boulevard  
Los Angeles, CA 90017-3543  
Telephone: 213.892.5200

Eric Nikolaides  
MORRISON & FOERSTER LLP  
250 W. 55<sup>th</sup> Street  
New York, NY 10019  
Telephone: 212.468.8000

/s/ Shelley M. Meyer  
Shelley M. Meyer